

Gerald Armstrong  
In Pro Per  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California Corporation,	)	CASE NO. C420153
	)	
Plaintiff,	)	EX PARTE APPLICATION FOR
vs.	)	EXTENSION OF TIME TO FILE
	)	OPPOSITION TO MOTION TO
GERALD ARMSTRONG,	)	ENFORCE SETTLEMENT
	)	AGREEMENT, OR IN THE
Defendant.	)	ALTERNATIVE THAT CERTAIN
	)	DOCUMENTS IN THE COURT
	)	RECORD BE DEEMED
	)	DEFENDANT'S OPPOSITION;
	)	DECLARATION OF GERALD
GERALD ARMSTRONG,	)	ARMSTRONG
	)	
Cross-Complainant,	)	
vs.	)	
	)	
CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al.,	)	Date: October 25, 1991
	)	Time: 9:00 a.m.
	)	Dept: 56
Cross-Defendants.	)	
	)	

**COPY**

Defendant Gerald Armstrong respectfully requests an extension of time of thirty days to file an opposition to the motion of Plaintiff/Cross-Defendant Church of Scientology of California and Cross-Defendants Religious Technology Center and Church of Scientology International for an order enforcing the December 1986 Settlement Agreement between the parties in this case.

This application is supported by the declaration of defendant attached herewith.

The hearing date for Scientology's motion is October 25, 1991. Defendant's opposition is due to be filed October 18. This is his first application for an extension of time in this matter.

Defendant is in propria persona, in forma pauperis, and is not a lawyer. He has attempted to obtain legal representation in this matter, but so far has been unsuccessful. Defendant has full-time work unrelated to this case and he lives in northern California.

It is defendant's position that the Scientology organization will not be prejudiced by any delay because they have contracted away defendant's attorneys who represented him in this case up to the time of the settlement from representing him now, and have created the environment in which defendant finds it difficult to obtain legal representation. On this subject, see, e.g. defendant's declaration of July 16, 1991 attached to Scientology's motion as Exhibit K. Scientology has also not demonstrated that any harm will result to them if defendant continues to do whatever he is doing while he obtains an attorney and prepares an opposition, since the instances they complain of as settlement agreement violations are complete, a matter of public record and could not possibly be repeated.

On the other hand defendant is seriously at risk from liquidated damages and injunction if he is not properly represented. Fairness therefore would grant defendant an extension of time.

Defendant has not neglected his rights in this litigation, but has worked diligently to defend those rights as well as he could. On October 15, 1991 he filed in the Court of Appeal an opposition to a motion brought by Scientology to seal the record on appeal and has filed three declarations

concerning matters relating directly to the facts and substance of this motion to enforce. These documents were also served on the Los Angeles Superior Court, and form part of the court's file in this case.

Defendant requests that this Court take judicial notice of these specific documents:

1. Declaration of defendant dated March 15, 1990 appended to Defendant's Reply to Appellants' Opposition To Petition for Permission to File Response filed in the Court of Appeal in Church of Scientology of California v. Armstrong, no. B038975, and served on this Court on March 24, 1990.

2. Declaration of defendant dated December 25, 1990 which formed Defendant's Appendix to Defendant's Brief filed in the Court of Appeal in Armstrong, and served on this Court December 28, 1990.

3. Defendant's Opposition to Motion to Seal Record on Appeal filed in the Court of Appeal in Armstrong, nos. B025920 and B038975, and served on this Court October 15, 1991.

4. Defendant's Declaration of October 16, 1991 and Exhibits Supporting Opposition to Motion to Seal Record on Appeal, filed in the Court of Appeal in Armstrong, and filed herewith, except for Exhibit M, Scientology's motion to enforce.

These documents are of substantial consequence to the determination of the rights of the parties in the motion to enforce the settlement agreement now before this Court and Judicial Notice of such court records is appropriate pursuant to California Evidence Code § 452(d).

Defendant's declaration of March 15, 1990 details what he knew up to that date of the Scientology organization's violations of the settlement agreement, and gives his position regarding the agreement's enforceability.

Defendant's declaration of December 25, 1990 describes the conditions and situation in which the settlement agreement was contrived and signed, relates the representations made by defendant's attorney regarding the enforceability of the agreement, and details additional instances of Scientology's violations of the agreement and their shifting story regarding its reciprocity.

Defendant's opposition to Scientology's motion to seal the record on appeal distinguishes the case of Wakefield v. Church of Scientology of California (11th Cir. 1991) \_\_\_ F. 2d \_\_\_, Slip Op. 4625 and plaintiff Wakefield's settlement agreement on which the motion to enforce the settlement agreement with defendant is based, and defendant's argument in that opposition is directly applicable here to the motion to enforce.

Defendant's declaration of October 16, 1991 and accompanying exhibits supporting opposition to motion to seal record on appeal details further violations of the settlement agreement by the Scientology organization and demonstrate the magnitude of the attack on defendant, which makes the enforcing of the settlement agreement either impossible or obstructive of justice.

If this Court does not grant defendant's request for an extension of time to file an opposition, defendant asks that the above four identified documents, along with all exhibits thereto, be deemed his opposition, and he will argue the motion on the basis of their contents at the October 25, 1991 hearing.

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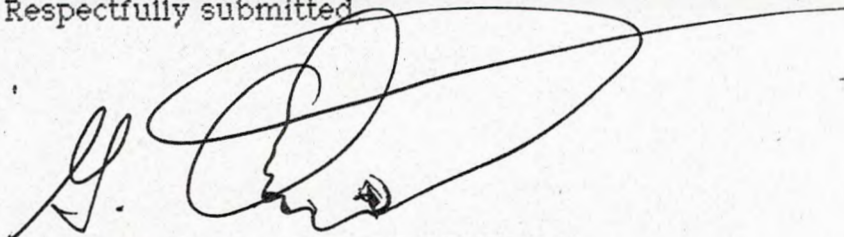
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He therefore requests an extension of time to file an opposition until  
November 15, 1991.

Dated: October 17, 1991

Respectfully submitted

A handwritten signature in black ink, appearing to be 'G. Armstrong', written over a horizontal line. The signature is highly stylized and cursive.

Gerald Armstrong

P.O. Box 751  
San Anselmo, CA 94960  
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## DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, state and declare:

1. I am the defendant and respondent in the case of Church of Scientology of California v. Gerald Armstrong, Los Angeles Superior Court No. C420153, and California Court of Appeal Nos. B025920 and B038975.

2. I am acting in propria persona in this case.

3. Plaintiff and cross-defendant Church of Scientology of California and cross-defendants Religious Technology Center and Church of Scientology International have filed a motion in the Los Angeles Superior Court to enforce the settlement agreement entered into by the parties in December 1986, and for liquidated damages. The opposition to this motion is due to be filed October 18, 1991.

4. I am not an attorney and cannot produce legal documents as rapidly as a competent attorney. I have, however, worked diligently to protect my rights in this case, and have prepared documents, which are listed in my ex parte application for extension to file an opposition to Scientology's motion to enforce, upon which I will depend to oppose that motion.

5. I have a full-time job unrelated to the preparation of an opposition to Scientology's motion.

6. I have been under a great deal of stress in the past two months relating to the Scientology organization's acts against me which has affected my work and life.

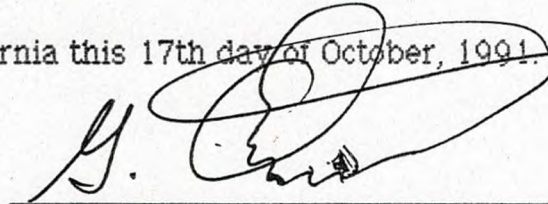
7. I have attempted to obtain an attorney to represent me specifically in the motion to enforce now before the court, but have so far been unsuccessful. I do not have the wherewithal to retain any attorney who would require a fee to defend me.

8. This matter is complex, covers several years of my involvement with the Scientology organization, and is very important to me.

9. I estimate that I will require an extension of time of thirty days to prepare and file an opposition, or to retain an attorney and educate him or her in the history of this case, collateral cases, the settlement agreement, and Scientology's policies and litigation practices, and have him or her prepare and file an opposition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Anselmo, California this 17th day of October, 1991.

A handwritten signature in black ink, appearing to read 'G. Armstrong', is written over a horizontal line. The signature is somewhat stylized and includes a large, circular flourish.

Gerald Armstrong

PROOF OF SERVICE BY MAIL

I am a resident of the County of Marin, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 711 Sir Francis Drake Blvd, San Anselmo, California 94960.

On October 18, 1991 I caused to be served the within **EX PARTE APPLICATION FOR EXTENSION OF TIME TO FILE OPPOSITION TO MOTION TO ENFORCE SETTLEMENT AGREEMENT, OR IN THE ALTERNATIVE THAT CERTAIN DOCUMENTS IN THE COURT RECORD BE DEEMED DEFENDANT'S OPPOSITION; DECLARATION OF GERALD ARMSTRONG; (PROPOSED) ORDER GRANTING EXTENSION OF TIME; (PROPOSED) ORDER DEEMING CERTAIN FILED DOCUMENTS TO BE DEFENDANT'S OPPOSITION** on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at San Anselmo, California, addressed to the persons and addresses specified on the service list attached.

Executed on October 18, 1991 at San Anselmo, California.

I declare that the foregoing is true and correct.

  
L. Phippeny



SERVICE LIST

(ExParte Application for Extension of Time to File Opposition  
to Motion to Enforce Settlement Agreement, or in the Alternative  
That Certain Documents in the Court Record Be Deemed Defendant's  
Opposition; Declaration of Gerald Armstrong; (Proposed) Order Granting  
Extension of Time; (Proposed) Order Deeming Certain Filed Documents  
to Be Defendant's Opposition)

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